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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,534	07/07/2000	Lynh Nguyen	ST9-99-134	9366

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EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,534

Applicant(s)

NGUYEN, LYNH

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 14-23 and 29-76 is/are rejected.
- 7) ☒ Claim(s) 7-9 11-13 24-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. In response to the communication filed 01/09/04, the amendment and argument filed have been reviewed. Claims 1-76 are pending for examination. The rejections and objected cited are as state below.

2. Applicant argument in the remark filed 4/12/04 has been considered but moot in view of new ground of rejection.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 14, 29, 35, 68-69, 71-72 and 74-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether how the direct connection between port module and interface module are accomplished distinctively from the conventional synchronization, as taught in the background of invention. Further, the language such as direct connection is independent of the connection manage, as recited in claim 69 and other analogue claims, implied connection manager is not required, i.e., negative limitation negative limitation. It is also not clear how the negative limitation would render the distinction over the conventional database system, which readily taught direct-connection between interface and port, since the early version of database, as mentioned in the background of invention, did not have connection manager.

5. Claim 29 recites the limitation "the queue" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-3, 18-20 and 76-79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of co-pending Application No. 09/750,432 and claims 1-19 of co-pending Application No. 09/750,475. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instance claims merely adding threshold for determining importance of the event,

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without specifying how the threshold is derived, such limitation reading event subject comparison.

8. Claims 1-3, 18-20 and 76-79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending Application No. 09/750,475. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instance claims merely adding threshold for determining importance of the event, without specifying how the threshold is derived, such limitation reading event subject comparison.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-6, 10, 14-16, 18-23, 30-33, 35-42 and 48-76 are rejected under 35 U.S.C. 102(a) as being unpatentable over Applicant admitted prior art (AAPA).

11. Regarding claims 1-6, 10, 18, 30, 35, 51, 55, 57, 61, 63, 67, 68, 71 and 74, AAPA discloses an existing database system, which included, an attempted to resolve deficiencies of a database system, which had attempted to improve connection speed between interface module and database, by including a database manager, i.e., connection manager, to synchronize the connection between interface module and various port in the database, i.e., port module, (specification page 2, line 3-Page 3, 21). The teaching in the cited passages inferred the existence of all elements and their functionalities cited in claims 1, 18 and 35.

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12. Regarding claims 2, recite inherent feature such as initialization, since AAPA discloses the conventional database system includes database manager, i.e., connection manager, initialization is a normal routine, which is require for computing device hardware software, thereby it is inherent.

13. Regarding claims 3-6, 69, 72 and 75 AAPA discloses the database manager, i.e., connection manager for synchronize connection between port module and interface module. Synchronization connection of devices required devices identifier for establishing connection between the devices, thereby exchanging port module identifier to interface module for direct connection would also be inherent feature.

14. Regarding claims 10, 14-16, 30-33, 38 and 48-49, AAPA discloses, retrieving data from the data source responsive to a command from the requesting application and converting the command to a structured query language format to support interfacing with the data source (spec. page 3, lines 3-13).

15. Regarding claims 50, 56, 62, 70, 73 and 76, AAPA discloses an existing system capable of handling HTML-SQL transformation, passing command between software module is required in software interfacing, thereby, passing command between port-interface and connection manager are inherent.

16. Regarding claim 52, 58, 64, AAPA discloses the interface module converts query requests and results between SQL and HTML (Spec. page 2).

17. Regarding claim 53, 59, 65, AAPA discloses the remote application is a web browser (Spec. page 2).

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18. Regarding claim 54, 60, 66, AAPA discloses the port module, connection manager and interface module are separate portions of executable code (Spec. page 3).

19. Claims 29, 41 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA) and Egbert et al (US. 6,115,387).

20. Regarding claims 29, 41 and 43-47, AAPA disclose a plurality of port connected to a plurality of data sources, which inherent corresponding port and data sources identifiers. AAPA does not explicitly disclose data structures for queuing port module and data source identifiers. However, in the same field of endeavor, Egbert discloses: determining which ports are associated with each data source and storing a data source identifier in a data structure (Egbert- column 6, lines 6-10 and lines 24-44); identifying each port by a port identifier and storing the port identifier in a data structure (Egbert- column 6, lines 10-14 and lines 24-44); and determining the availability for each port and storing an availability status for each port in a data structure (Egbert- column 22, lines 41-67 and column 6, lines 24-44); storing the port identifiers in a first-in-first-out queue (Egbert- column 7, lines 38-50; column 8, lines 56-57 and column 9, lines 44-45); removing a port identifier from the queue once the port is no longer available (Egbert- column 13, lines 38-41 and column 14, lines 16-19); the port identifier once it has reached the bottom of the queue in order to release it for data transmission (Egbert- column 7, lines 45-54).

Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate the well-known concept with existing database system as suggested by AAPA to further improve connection speed, as suggested by the AAPA, with the motivation of increasing system's efficiency.

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21. Claims 17 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPA) and Carino et al (US. 5,930,786).

22. Regarding claims 17 and 34, AAPA discloses the invention substantially, as claimed, as described in their base claims, including disconnecting the remote application from the interface module. However, in an analogous art, Carino discloses disconnecting the remote application from the interface module (Carino- column 14, lines 45-48). Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate the well-known concept with existing database system as suggested by AAPA to further improve connection speed, as suggested by the AAPA, with the motivation of increasing system's efficiency.

23. Examiner noted that, in light of specification, interface module, port module and connection manager are internal programming software interface, which enables a plurality of modular software to interface with each other. Port module is referred to as software, hardware or firmware instructions for interfacing a external object with data source, also, interfacing module is referred to as software, hardware or firmware instructions for interfacing an external application, e.g., GUI or browser with a server, e.g. connection manager. The port module, i.e., interface, is necessary and required for external object, i.e., hardware, software to connect and access data source, while the interface module, i.e., hardware, software, is required for a remote terminal to communicate with the server, i.e., connection manager. Thereby port module and interface module are inherent presence in any database systems that are operable in network computing. Rather, essence of the invention should be the combination of implementation of

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array of port module identifier corresponding to data source and interface module for maintaining and passing the identifier for maintaining connection between respective interface module and data source, with the existing database system mentioned in the background of the invention. Thus, omission of the aforementioned features in the independent claims, applicant, in fact claimed the prior art.

Lastly, examiner opines that including the language of claim 42 and 44, in all dependent claims could advance prosecution, expeditiously.

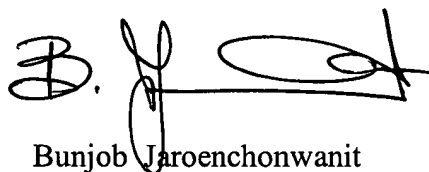
24. Claims 7-9, 11-13, 24-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a stylized flourish extending to the right.

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
6/10/2004